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PATENT APPLICATION
Atty Docket No. 00689-514 (Biogen A065 US)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Pepinsky *et al.*
SERIAL NUMBER: 09/832,658 EXAMINER: Fozia M. Hamud
FILING DATE: April 11, 2001 ART UNIT: 1647
FOR: POLYMER CONJUGATES OF INTERFERON BETA-1a AND USES

MS Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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JUN 20 2003

TRANSMITTAL LETTER

ECH CENTER 1600/2906

Transmitted herewith for filing in the present application are the following documents:

Response to Restriction (2 pages); and
Return Postcard.

This response to the May 20, 2003, Restriction Requirement is due on or before June 20, 2003 without extension. No fee is believed due at this time. Should any fee be due, the Commissioner is hereby authorized to charge the fee, or credit any overpayment, to Deposit Account No. 50-0311, Reference No. 00689-514 (Biogen A065 US). A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,


Ivor R. Elrif, Reg. No. 39,529
Gregory J. Sieczkiewicz, Reg. No. 48,223
Attorney / Agent for Applicants

June 16, 2003

Please address all correspondence to customer number 30623.



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PATENT TRADEMARK OFFICE

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RESPONSE TO MAY 20, 2003 OFFICE ACTION

In response to the Restriction Requirement mailed May 20, 2003, Applicants provisionally elect the invention of Group I (Claims 1-2, 5-6, 8, 11-13, 15, 18-20 and 22-24), drawn to a composition comprising a glycosylated interferon beta 1a of SEQ ID NO: 25 coupled to a non-naturally-occurring polymer, with traverse.

The Examiner states that "Inventions I-II, are independent and distinct, each from the other, because they are products which possess characteristic differences in structure and function and each has an independent use, that is distinct for each invention which cannot be exchanged." (See Office Action, page 2).

Applicants traverse this assertion for at least the following reasons. The specification discloses that the polypeptide of SEQ ID NO: 26 differs from the polypeptide of SEQ ID NO: 25 only by the substitution of alanines at positions 2, 4, 5, 8, and 11 in SEQ ID NO: 26. (See, e.g., Table 1 on page 32 of the as-filed specification). The specification further discloses that these substitutions do not result in a decrease in interferon beta 1a activity, as measured by type I interferon receptor binding, Daudi Burkitt's lymphoma cell binding, anti-viral activity, or anti-proliferative activity, as demonstrated in, e.g., Figures 1-4. Thus, contrary to the Examiner's assertion, the polypeptides of SEQ ID NO: 25 and SEQ ID NO: 26 have substantially similar structure, function and use. Therefore, the restriction requirement is improper, and groups I and II should be rejoined prior to substantive examination on the merits.

With no extension of time, this response is due on or before June 20, 2003. The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 00689-514.

Respectfully submitted,



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Gregory J. Sieczkiewicz, Reg. No. 48,223
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June 16, 2003

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